age from their wandering and the freedom to roam permitted them by all, makes especially reasonable the rule that no negligence can be attributed to the mere trespass of a cat which has neither mischievous nor vicious propensities, and consequently no liability attaches for such trespasses, since an owner cannot be compelled to anticipate and guard against the unknown and unusual. If, however, the cat be of a species having, or in fact of, a mischievous or vicious disposition, and its owner knows this propensity, and then permits the cat to go at large or trespass, he will be liable for the damage done by it resulting from the trespass. His liability arises from his negligence in permitting the cat of this known disposition to trespass or be at large and in his violation of his duty to use reasonable care to restrain the cat."

Abandonment of Homestead While in Jail.—The husband and wife in the present controversy, owners of a homestead, were summarily interrupted in their domestic relations by the arrest of the husband on a criminal charge. He was then confined in jail for several months, during which time the wife returned to the home of her father, where the husband also repaired immediately on his release, instead of returning to the homestead. Being in financial straits, he then conveyed the homestead property without his wife joining in the deed. No objection was raised to this transaction till several years later, when it was sought to recover the property on the ground that the conveyance was illegal, in that the wife was not made a party thereto. Defendant thereupon to sustain his purchase, attempted to show abandonment of the homestead and that consequently the wife's joinder was not necessary. The Supreme Court of Mississippi, while determining that the premises had become abandoned by the residence at the home of the wife's father, yet held that the detention in jail did not amount to abandonment, which necessarily implies that the act should be done on the party's own volition. Lindsey *v.* Holly, 63 Southern Reporter 222.

Burglary by Breaking Out of a Building.—Under the old English common law it is said not to have constituted the offense of burglary if one succeeded in getting into a house for purpose of felony, and then breaking out in order to get away. To obviate this, the statute of 12 Anne was passed to cover the crime committed in the manner mentioned. The Kentucky statute, enacted with the apparent purpose of "catching them coming and going," merely provides that "if any person * * * shall feloniously break any dwelling house, * * * and feloniously take away anything of value," etc. Appellant in the case of Lawson *v.* Commonwealth, 169 Southwestern Reporter 587, was convicted of violation of this statute. The evidence was somewhat circumstantial, but went to indicate that ac-